

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TARA McFILLIN-MARONE

556 Warwick Road

Haddonfield, NJ 08033

Plaintiff

vs.

PENN CREDIT CORPORATION

916 S. 14<sup>th</sup> Street

Harrisburg, PA 17104

Defendant

CIVIL ACTION

NO.

**COMPLAINT**

**I. INTRODUCTION**

1. The Fair Debt Collection Practices Act prohibits debt collectors from engaging in deceptive and unfair practices in the collection of a consumer debt.

2. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

**II. JURISDICTION**

3. Jurisdiction arises under 15 U.S.C. § 1692k and 28 U.S.C. § 1337.

**III. PARTIES**

4. Plaintiff Tara McFillin-Marone ("Plaintiff") is a consumer who resides in Haddonfield, New Jersey at the address captioned.

5. Defendant Penn Credit Corporation ("Defendant" or "Penn Credit") is a Pennsylvania collection firm, which has an office for the regular transaction of business at the address captioned.

6. Defendant regularly engages in the collection of consumer debts in the District of New Jersey using the mails and telephone.

7. Defendant regularly attempts to collect consumer debts alleged to be due another.

8. Defendant is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

#### **IV. STATEMENT OF CLAIM**

9. On or about January 6, 2015, Penn Credit sent a collection letter to Plaintiff. The letter was an effort to collect on a consumer debt, *i.e.*, a \$40.00 balance claimed due on an old medical bill. (See Exhibit “A” hereto, redacted).

10. Penn Credit sent its collection communication in a window envelope.

11. Visible through the glassine return address window of the envelope there is a bar code which, when read or scanned, reveals the unique ID number (ending in 7396) assigned by Penn Credit to this alleged debt of Plaintiff.

12. The ID number (ending in 7396) constitutes personal identifying information.

13. The bar code visible through the window could be easily scanned by anyone with a smartphone as scanning applications (or “Apps”) are readily available to the public for free.

14. With one touch, anyone could scan the bar code and access Plaintiff’s personal ID number, as demonstrated by Exhibit “B” (a scan of Defendant’s letter).

15. 15 U.S.C. § 1692f(8) prohibits a collector from:

“Using any language or symbol, other than the debt collector’s address, on any envelope when communicating with a consumer by use of the mails or telegram, except that a debt collector may use his business name if such name does not indicate that he is in the debt collection business.”

16. The collection communication utilized by Defendant Penn Credit displayed a symbol that in turn reveals personal information, thereby violating this provision of the Act.

17. In addition to the FDCPA's broad ban, federal privacy laws appertaining to medical services such as the Health Insurance Portability and Accountability Act ("HIPAA") prevent the exposure of medical identifiers such as account numbers. 45 C.F.R. § 164.514(b). This further evidences the Defendant's violation of §1692f(8).

18. The ID number is a piece of information capable of identifying Plaintiff as a debtor, and its disclosure has the potential to cause harm to a consumer that the FDCPA was enacted to address.

**COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

19. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

20. Defendant's use of the symbol visible through the envelope as described violates the provisions of the FDCPA, 15 U.S.C. § 1692f(8).

**WHEREFORE**, Plaintiff Tara McFillin-Marone demands judgment against Defendant Penn Credit Corporation for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: Dec 28, 2015



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CARY L. FLITTER  
ANDREW M. MILZ  
Attorneys for Plaintiff

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Marlton, NJ 08053  
(856) 396-0600

# **EXHIBIT “A”**



# PennCredit

Hours: Mon-Thur 8am-10pm EST

Fri 8am-5pm EST

Sat 8am-12pm EST

Phone: 800-900-1381

**NOTICE OF COLLECTION**

01/06/15

CLIENT: Univ of Penn Health System

ID NUMBER: [REDACTED] 7396

TOTAL BALANCE DUE: \$ [REDACTED]



Our client has referred your delinquent account(s) referenced below for collection. Our client is serious about collecting all monies owed them and I am sure your intentions are to honor your debt. Send payment using the enclosed envelope or you may go online to <http://account.penncredit.com> to make payment or contact our office to pay over the phone. Contact our office if you are unable to pay the amount due.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt by a debt collector and any information obtained will be used for that purpose. The important rights included above apply to each account individually and you have the right to dispute any or all of the accounts included in this notice. In the event you choose to exercise your important rights included above please indicate which account(s) you are disputing.

SERVICE RENDERED	SERVICE DATE	ACCOUNT NUMBER	BALANCE
DEPT OF OTOHINOLARYNGOLOGY MCFILLIN-MARONE, TARA	2013/11/19	[REDACTED] 0068	\$ [REDACTED]



DETACH AND RETURN WITH PAYMENT TO EXPEDITE CREDIT TO YOUR ACCOUNT

P.O. Box 1259, Department 91047

Oaks, PA 19456

CHANGE SERVICE REQUESTED



IF PAYING BY VISA, MASTERCARD OR DISCOVER, FILL OUT BELOW			
<input type="checkbox"/> VISA	<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> DISCOVER	<input type="checkbox"/> AMERICAN EXPRESS
CARD NUMBER		EXP. DATE	
SIGNATURE		AMOUNT	

Visit <http://account.penncredit.com> to pay your bill online.

Payments received by check will be electronically deposited, unless you pay by non-consumer type check. You may opt out of this program by paying with a money order or a travelers check. In the unlikely event your check (payment) is returned unpaid, we may elect to electronically (or by paper draft) re-present your check (payment) up to two more times. You also understand and agree that we may collect a return processing charge by the same means, in an amount not to exceed that as permitted by state law.

ID NUMBER: [REDACTED] 7396

01/06/15



91203 - 12771



TARA MCFILLIN-MARONE  
556 WARWICK RD  
HADDONFIELD NJ 08033-3832

PENN CREDIT  
916 S 14th ST  
PO BOX 988  
HARRISBURG PA 17108-0988

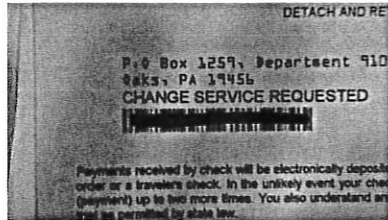


# **EXHIBIT “B”**



# QR Barcode Scanner

## Decoding Result



**Format:** CODE\_128  
**Type:** TEXT  
**Details:** 02/06/2015  
17:19

91047-7396

Find Product

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